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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,857	08/22/2003	Keun Bae Lee	11036-043-999	1526

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MORGAN, LEWIS & BOCKIUS, LLP.
2 PALO ALTO SQUARE
3000 EL CAMINO REAL
PALO ALTO, CA 94306

EXAMINER	
VU, STEPHEN A	

ART UNIT	PAPER NUMBER
3636	

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,857	LEE, KEUN BAE	
	Examiner	Art Unit	
	Stephen A. Vu	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruckert et al (#6,019,424).

Ruckert et al show a seat comprising a headrest supporting frame (18) having a lower end secured to a recliner (19), a seatback frame (3) elastically connected to the headrest support frame, a plurality of elastic connecting means (20) that elastically couple the headrest supporting frame and the seatback frame, and a headrest adjusting bar (22) that adjusts the height of a headrest. The headrest adjusting bar being perpendicularly bent for connecting to the headrest through a side of the headrest. The insert hole has been interpreted to be the hole on the frame that the headrest adjusting bar is inserted though.

With claim 2, the elastic connecting means is at least one tension spring.

With claim 3, the upper end of the headrest adjusting bar is connected to a frame inside the headrest. The lower end of the headrest adjusting bar is adjustably inserted into the inserting hole formed at the upper end of the headrest supporting frame.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elqadah et al (#6,033,017) in view of Mester (#1,251,079).

Elqadah et al show a seat (26) comprising a headrest supporting frame (34) having a bottom end attaching to a seat and a top end for supporting a headrest (16). A seatback frame (12) is disposed within the headrest supporting frame, independent from the headrest supporting frame. However, Elqadah et al do not disclose the use of elastic connectors between the frames.

Mester teaches a headrest member (21) having spring connectors (25) connecting the headrest member to the back member (32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Mester's spring connectors (25) to connect the headrest supporting frame to

the seatback frame of Elqadah et al's seat, in order to provide a stop limit means to restrict the headrest supporting frame to pivot to a certain angle of degrees relative to the seatback frame.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (#3,594,037) in view of Mester (#1,251,079).

Elqadah et al show a seat (22) comprising a headrest supporting frame (12) having a bottom end attaching to a seat and a top end for supporting a headrest (48). A seatback frame (28) is disposed within the headrest supporting frame, independent from the headrest supporting frame. The headrest supporting frame has left and right upright members and adjusting members mounted above each upright member defines adjusting holes (58). However, Elqadah et al do not disclose the use of elastic connectors between the frames.

Mester teaches a headrest member (21) having spring connectors (25) connecting the headrest member to the back member (32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Mester's spring connectors (25) to connect the headrest supporting frame to the seatback frame of Sherman's seat, in order to define the distance that the seatback frame (28) can move relatively away from the headrest supporting frame (12).

Response to Arguments

Applicant's arguments filed August 8, 2005 have been fully considered but they are not persuasive. The applicant has argued that the prior art does not

disclose or teach the applicant's invention. The examiner disagrees with this argument. It is best interpreted that Ruckert et al show a seat comprising a headrest supporting frame (18) having a lower end secured to a recliner (19), a seatback frame (3) elastically connected to the headrest support frame, a plurality of elastic connecting means (20) that elastically couple the headrest supporting frame and the seatback frame, and a headrest adjusting bar (22) that adjusts the height of a headrest. The headrest adjusting bar being perpendicularly bent for connecting to the headrest through a side of the headrest. The insert hole has been interpreted to be the hole on the frame that the headrest adjusting bar is inserted though.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Vu whose telephone number is 571-272-6862. The examiner can normally be reached on M-F from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen Vu
October 20, 2005

Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600